

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RAJ KUMAR, )  
v. ) Plaintiff,  
CONVENIENCE RETAILERS LLC, *et al.*, ) Defendants.  
No. C16-0364RSL  
ORDER REGARDING PLAINTIFF'S MOTIONS IN LIMINE

This matter comes before the Court on “Plaintiff’s Motions in Limine.” Dkt. # 23. Having reviewed the memoranda, declaration, and exhibit submitted by the parties, the Court finds as follows:

## (1) Voir Dire

The procedures used during voir dire will be discussed at the pretrial conference.

## **(2) Admissibility of Witness Statements**

Plaintiff seeks a pretrial determination that he may testify regarding statements Raveen Lal, Raj Prasaad, and Jose Muchaca made to him. Although it seems likely that plaintiff will be able to lay a sufficient foundation for the admission of the out-of-court statements of defendant's employees, the Court reserves this issue for trial.

### **(3) Medical Record**

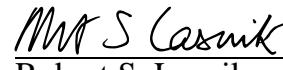
In his pretrial statement, plaintiff identified an August 2015 medical record in which Dr. Sharma notes that plaintiff “seem[s] to have stress related to the job loss” that may be causing

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1 insomnia and elevated blood sugar levels. Decl. of C.N. Coby Cohen (Dkt. # 26), Ex. 5. For the  
2 reasons discussed in the “Order Granting in Part Defendant’s Motions in Limine,” Dr. Sharma  
3 will not testify at trial, and plaintiff cannot rely on the medical record itself to prove the truth of  
4 the matters asserted therein. The document may, however, be admissible if plaintiff’s credibility  
5 is challenged and he uses the document to rebut an express or implied charge that he recently  
6 fabricated his complaint of stress.

7 For all of the foregoing reasons, plaintiff’s motions in limine are DENIED in part and  
8 otherwise reserved.

9  
10 Dated this 27th day of October, 2017.

11   
12 Robert S. Lasnik  
13 United States District Judge